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[Main Menu](#) [Help Screen](#)

Note to Readers

The guidance in this issue is still applicable and useful in classifying positions in the Federal government. However, there may be references to names and addresses of organizations within the U.S. Office of Personnel Management that have changed, names of individuals no longer employed at the Office of Personnel Management, or documents such as the Federal Personnel Manual that no longer exist.

For the December 1997 HRCD-4 release, the Office of Classification Appeals and Fair Labor Standards Act Programs made minor, nonsubstantive edits to Digest issues 1 through 19. For example, acronyms and abbreviations were spelled out in many places, references to law and regulation were expanded, typographical errors were corrected, leading zeros were added to 3-digit series numbers, outdated prefaces have been deleted, and the issuance date were added to the header of each page. Because of the change from the original paper version to an electronic format, the page numbers in Digest issues 1 through 19 and other references, such as the General Schedule classification standards and Federal Wage System job grading standards, now available electronically may have changed. In issues 1 through 19, where there is a reference to a page, we either eliminated the page reference or updated the page number with the page number of the electronic version. Beginning with issue 20, pages references are to the electronic version only. Please note that pages numbers may change when a file is printed depending on the format and printer used.

The Office of Classification Appeals and Fair Labor Standards Act Programs is responsible for the content of the Digest. We be reached by telephone at 202-606-2990, by fax at 202-606-2663, or by email at ADOMSOE@OPM.GOV.

Digest issues are also available on the Office of Personnel Management's website and electronic bulletin board. The website address is <http://www.opm.gov> and the electronic bulletin board is OPM ONLINE. Using a modem, dial OPM ONLINE at 202-606-4800. Long distance telephone charges may apply.

Standard: Research Grade-Evaluation Guide

Factor: N/A

Issue: Borderline point values

Identification of the Classification Issue

The issue arose when an agency asked the Office of Personnel Management to reconsider an OPM region's appeal decision which had resulted in an upgrade of a research scientist. The Research Grade-Evaluation Guide grade-determination chart indicates the grades to be assigned for various ranges of point totals. There are gaps between the point ranges, however, and a position that is credited with a point total in a gap is considered borderline. The Research Grade-Evaluation Guide states that a judgment determination should be made to assign the borderline position to either the higher or the lower of the two grades between which it falls. The judgment determination is to be based on aspects of the position that may not have been fully considered in arriving at the point values, and in consideration of best alignment with other properly classified positions.

The region's evaluation of the scientist's position according to the four factors in the Research Grade-Evaluation Guide credited a total of 44 points, which is considered borderline because it falls in the gap between GS-14 and GS-15. The region resolved the borderline determination by upgrading the position to GS-15, based on strengthening aspects that had not been credited under any of the four factors.

The agency objected, stating that its policy was to resolve all borderline point totals by assigning the lower grade, even when an employee downgrade would result.

Resolution

The Office of Personnel Management sustained the region's decision to upgrade the employee and determined that the agency's suggestion to resolve all borderline positions downward was contrary to the Research Grade-Evaluation Guide. If judgment were not to be exercised in such situations, the point conversion scale would not have provided gaps between grades. The effect of the agency's policy was to extend the point range for each grade by three points in order to eliminate the gap. For example, while the Research Grade-Evaluation specifies that the range for GS-14 is 36-42 points, the agency policy required that any score in the range 36-45 be converted to GS-14. Such a policy resulted in a substitution of an agency standard for an OPM published standard. This violated a provision of section 5107 of title 5, United States Code, which states in part that positions shall be classified "in conformance with standards published by the Office of Personnel Management"

Standard: N/A

Factor: N/A

Issue: Classifying Deputy Positions

Identification of the Classification Issue

The issue arose in the Office of Personnel Management's consideration of a classification appeal. The appellant was an Attorney-Adviser, GS-0905-14, who served as deputy (or assistant chief) to an attorney whose position was in the Senior Executive Service. Even though the supervisor was responsible for a major function for an agency, the size of the subordinate staff was quite small. The only employee on the staff, besides the supervisor and the appellant, was a paralegal assistant who also functioned as a secretary. The appellant requested classification to the GS-15 level based on the principle of classifying a deputy position one grade level below the supervisor's position. The agency classified the appellant's position at the GS-14 level by application of the standard for the General Attorney Series, GS-0905.

Resolution

A deputy position may be classified one grade below the supervisor or chief of the unit in certain situations. The deputy must serve as a full assistant to the chief, occupy a position in the direct supervisory line, and share in and assist the chief with respect to all technical and managerial phases of the unit's work. (It is recognized that a Senior Executive Service position is not graded. Application of the principle described in this article would result in a minimum grade of GS-15 for a deputy to a Senior Executive Service position.)

Even though this principle is recognized in several position classification standards (e.g., Supervisory Grade-Evaluation Guide, GS-0105, GS-0201, GS-0505, GS-0673, and GS-2003), its use in classifying deputy positions should not be automatic. In each situation, the relationship between the two positions and the extent of the deputy's authority must be considered in determining the appropriate grade for the position.

It is anticipated that a chief position which has a deputy is in charge of a staff of substantial size and, often, multiple subordinate units. Chief positions such as this require deputies who act in their stead because of the decisions which must be made, employees who must be supervised, and the volume of work which is produced.

The appellant was seldom called upon to make decisions for the chief and did not supervise, or approve the work of, other professional employees. Therefore, the appellant did not, in practice, occupy a position in the direct supervisory line from the chief to a subordinate staff. Because of

the modest workload in the office, the chief was able to perform almost all of the chief's duties without assistance from the appellant. As a result, the appellant did not assist the chief with most technical and managerial phases of the unit's work. The Office of Personnel Management concluded that the appellant did not function as a deputy, and that under the circumstances, there were no duties to be performed which would justify establishing a deputy in the office. Therefore, the position was classified by application of the standard for the General Attorney Series, GS-0905.

Standards: Materials Handler, WG-6907
(September 1990) and

Fork Lift Operator, WG-5704
(November 1968)

Factor: N/A

Issue: Proper grading of a mixed-series,
mixed-grade job in the Federal Wage System

Identification of the Classification Issue

This issue arose in an Office of Personnel Management region's consideration of a job grading appeal. The appellant stored ammunition and other explosive materials, loaded and unloaded freight cars and trucks of ammunition, and performed other duties typical of the WG-6907 Materials Handler occupation. He also operated fork lifts in order to move the ammunition and other materials. This work was typical of the WG-5704 Fork Lift Operator occupation.

According to the agency, the materials handler duties of the job were most important for recruitment, selection, placement, and promotion purposes and were graded at the WG-4 grade level. The fork lift operating duties were graded at the WG-5 grade level. The issue relates to the Office of Personnel Management's "mixed job" guidelines. The standard for the WG-6907 occupation states that mixed jobs are *typically* titled and graded according to the job grading standard that represents the highest skill and qualification requirements.

Resolution

For titling purposes, this job was determined to be an exception to the typical situation described in the standard. As explained in paragraph 5c of section III-A of the Federal Wage System Job Grading System: Part I--Explanation of the Federal Wage System Job Grading System, jobs requiring the performance of work in two or more occupations on a regular basis are coded to the occupation which is most important for recruitment, selection, placement, promotion, or reduction-in-force purposes. Because work appropriate to the Materials Handler occupation was more important than the Fork Lift Operator duties in terms of these factors, Materials Handler, WG-6907, was determined to be the proper occupation. The parenthetical title "Fork Lift Operator" was added to the basic title of "Materials Handler" to acknowledge that operating a fork lift is necessary to the performance of that primary function.

The guidance found in paragraph 3 of Section II-C of the Federal Wage System Job Grading System: Part I--Explanation of the Federal Wage System Job Grading System states that a mixed

job should be graded in keeping with the highest skill and qualification requirements of the job that are regular and recurring even if these duties are not performed for a majority of the time. This principle is also stated in the WG-6907 standard. In keeping with that guidance, grade WG-5 was determined to be the proper grade level by application of the standard for Fork Lift Operator. The job was found to be properly classified as Materials Handler (Fork Lift Operator), WG-6907-5.

Standard: Contracting Series, GS-1102
(December 1988)

Factor: Factor 3, Guidelines

Issue: Use of historical data

Identification of the Classification Issue

This issue arose in an Office of Personnel Management region's adjudication of a classification appeal. The appellants were Contract Price/Cost Analysts, analyzing and evaluating contractor proposals for ship construction and repair to determine whether price/cost estimates were fair and reasonable. The appellants contended that Level 3-3 was inappropriate for Factor 3, Guidelines, because they did not use historical data in preparation of their reports.

The appellants stated that because previous contracts were out-of-date, historical cost data were no longer relevant for reference. Furthermore, because these contracts were stored at another location, it was quicker for the appellants to develop an estimate without referencing them.

The appellants also maintained that because a ship was being repaired for the first time, or being fitted with a new piece of equipment, these were "prototype" changes involving novel situations, requiring the appellants to work from "scratch" to develop cost estimates. They contended that each project was unique; therefore, there could be no fully applicable precedent for pricing the full scope of work.

For these reasons, the appellants contended that evaluation of Factor 3, Guidelines, at Level 3-4 was appropriate.

Resolution

Under the Factor Evaluation System, for a position factor to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor-level description. If the position factor fails in any significant aspect to meet a particular level in the standard, the lower point value must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

Level 3-4 describes a situation in which pricing data are incomplete or limited. The scarcity of pricing data at this level is due to changes in material and manufacturing processes, or the involvement of unprecedented economic issues. Because of the lack of applicable guidance and the numerous and diversified issues, the employee must deviate from traditional techniques and develop new approaches, criteria, or proposed policies.

The appellants based their argument on a single phrase rather than the entire text of the factor-level description. The appellants' work situation did not approach Level 3-4 because of the applicability of available cost data and routine procedures characteristic of Level 3-3. For example, the appellants verified costs by consulting with vendors, subcontractors, and other technical personnel of the agency. Furthermore, they used standards for routine items (e.g., piping, valves, hardware) and for routine tasks (e.g., welding, plumbing, painting), which comprised the bulk of the work. They also accessed audit reports and agency manuals with formulas commonly used to verify that pricing was fair.

The Office of Personnel Management concurred with the agency that comparable work had been done before. There were applicable precedents and experience, as well as current cost data and agency guidelines for use in verifying the costs. Factor 3, Guidelines, was properly evaluated at Level 3-3.

Standard: Supervisory Grade-Evaluation Guide,
Part II

Factor: Factor I - Base Level of Work Supervised

Issue: Inclusion of a professional position in the
Base Level of Work Supervised by a
non-professional

Identification of the Classification Issue

This issue arose in an Office of Personnel Management region's consideration of an appeal from a Supervisory Engineering Technician. The appellant supervised a staff of GS-11 and GS-12 Engineering Technicians and one professional GS-12 Physicist. The agency did not include the Physicist position in the Base Level of Work Supervised by the appellant, asserting that an employee in a nonprofessional position cannot technically review the work of an employee in a professional position which has a positive educational requirement. The appellant contended that the supervision exercised over the professional position was no less than that exercised over the GS-12 Engineering Technician positions in the unit.

Resolution

The Supervisory Grade-Evaluation Guide prescribes that work identified as the Base Level must require of the immediate supervisor substantial and recurring use of technical skills of the kind typically needed for directing work at that level. In this particular case, the Office of Personnel Management's review of applicable position descriptions, evaluation statements, and governing classification standards disclosed that there was similar supervisory involvement in work initiation and planning, interim oversight activity, and review of work over all the GS-12 subordinate positions in the unit.

For example, the Physicist was considered the specialist in his particular field and worked under "very general" technical supervision, with the supervisor outlining basic program objectives, discussing problems and approaches, and reviewing work to determine progress towards objectives. The Physicist received no technical supervision from any other position, and the grade of the position was not based on less-than-normal supervision.

Similarly, the Engineering Technicians utilized a high degree of judgment, originality, and resourcefulness to resolve the most complex problems in their specialty areas. The grade levels of the Engineering Technicians were based on comparisons with professional engineering standards, as their work required superior technical qualifications. The positions worked under general technical supervision, receiving basic objectives from the supervisor and developing independent

approaches to accomplish the work. The work was reviewed for compliance with broad agency policy.

Notwithstanding the educational requirement differences, the Office of Personnel Management concluded the appellant did in fact exercise technical supervision over the GS-12 Physicist of the kind typically needed to direct work at that level. The Physicist position was, therefore, appropriate for inclusion with the positions used to determine the Base Level of Work Supervised. It should be noted that only in rare cases will technical positions be credited with supervision of professional subordinates.

Standard: Supervisory Grade-Evaluation Guide
Part II

Factor: Factor I - Base Level of Work Supervised

Issue: Sharing of supervisory responsibility

Identification of the Classification Issue

This issue arose in an Office of Personnel Management region's adjudication of an appeal from a Supervisory Engineering Technician. Among the positions receiving technical supervision from the appellant was a GS-12 Engineering Technician who was designated as a team leader. The agency considered the team leader position to be inappropriate for inclusion in the Base Level since it essentially shared in the supervisory responsibilities by providing technical direction to other employees. The issue was whether the team leader position should be included in the Base Level of Work Supervised.

Resolution

The primary consideration in this issue is whether the following statement on page 42 of the Supervisory Grade-Evaluation Guide precludes consideration of the grade (GS-12) of the team leader position in the Base Level of Work Supervised:

The Base Level of work should not be determined by reference to grades of subordinate positions in cases in which such grades depend primarily on:

(a) A sharing of the supervisor's responsibility for planning, reviewing, and/or coordinating work;

Although there appeared to be some limited supervisory-sharing aspects to the team leader position, The Office of Personnel Management did not find that the grade *depended primarily* on them. The position description for the team leader position credited the performance of the most complex and difficult assignments involving one-of-a-kind instruments and systems in a specialty field. A further review of the position clearly indicated that it was the special knowledge, skill, and judgment required to perform such complex assignments that distinguished the work rather than the supervisory responsibilities. Because it was the team leader's personal and individual working involvement in the substantive, more difficult assignments that was the paramount grade-influencing factor, The Office of Personnel Management found the GS-12 team leader position to be appropriate for inclusion with the positions used to determine the Base Level of Work Supervised.

Standard: Supervisory Grade-Evaluation Guide,
Part II

Factor: N/A

Issue: Comprehensive Evaluation--weakening
elements GS-0460

This article was deleted in August 1994 because of the issuance of the General Schedule Supervisory Guide (TS-123, dated April 1993), which superseded the Supervisory Grade-Evaluation Guide, issued in January 1976 (TS-23) and the Draft Grade Evaluation Guide for White Collar Supervisors, issued in 1991.

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